

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. NO.: 3751-01
BILL NO.: HB 1594
SUBJECT: Includes Interference with Visitation in the Crime of Interference with Custody
TYPE: Original
DATE: February 2, 2000

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
General Revenue	Exceeds (\$100,000)	Exceeds (\$100,000)	Exceeds (\$100,000)
Total Estimated Net Effect on <u>All</u> State Funds	Exceeds (\$100,000)	Exceeds (\$100,000)	Exceeds (\$100,000)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Prosecution Services** assume that this proposal will not fiscally affect their agency.

Officials from the **Office of State Courts Administrator (OSCA)** stated that they would expect a small increase in the number of cases file. The OSCA would not expect a significant impact on the workload of the courts.

Officials from the **Office of State Public Defender (SPD)** stated for the purpose of this proposal, the SPD has assumed existing staff could provide representation for those 25 to 50 cases arising where indigent persons were charged with interference with visitation rights. However, passage of more than one similar proposal would require the SPD to request increase appropriations to cover the cumulative cost of representing the indigent accused in these additional cases.

Officials from the **Department of Corrections (DOC)** did not respond to our request for fiscal impact. However, for a similar proposal from this session the DOC stated that they could not predict the number of new commitments which could result from the provisions of this proposal. An increase in commitments would depend on the utilization by prosecutors and the actual sentences imposed by the court. If additional persons were sentenced to the custody of the DOC due to the provisions of this legislation, the DOC would incur a corresponding increase in operational costs either through incarceration (at least \$35.00 per inmate, per day) or through supervision provided by the Board of Probation and Parole (at least \$3.00 per offender, per day). Due to the wide variance of newly created crimes and punishments, the fiscal impact as it relates to the DOC is unknown.

The DOC anticipates that new beds might have to be constructed to accommodate the number of offenders receiving sentences due to this proposal. At this time, the DOC is unable to determine the number of people that would be convicted under the provisions of this proposal to estimate the fiscal impact for additional capital improvements.

Estimated construction cost for one new maximum security inmate bed is \$48,800.

Oversight assumes the proposal could result in more offenders being incarcerated or placed on probation. Additional costs for supervision and care by the DOC, although unknown, would likely exceed \$100,000 annually.

<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
GENERAL REVENUE FUND			
<u>Costs - Department of Corrections</u>			
Increased Prisoners and/or Increased Costs Associated with Additional Persons Placed on Probation	Exceeds <u>(\$100,000)</u>	Exceeds <u>(\$100,000)</u>	Exceeds <u>(\$100,000)</u>
ESTIMATED EFFECT ON GENERAL REVENUE FUND	Exceeds (\$100,000)	Exceeds (\$100,000)	Exceeds (\$100,000)
<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
	\$0	\$0	\$0

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This proposal makes a person, who interferes with visitation rights, guilty of the crime of interference with custody. Interference with custody is a Class A misdemeanor unless the person taken or enticed away from legal custody is taken to another state, detained or concealed, in which case the crime is a Class D felony.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

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SOURCES OF INFORMATION

Office of State Courts Administrator
Department of Corrections
Office of Prosecution Services
Office of State Public Defender

A handwritten signature in black ink, appearing to read "Jeanne Jarrett". The signature is stylized with a large initial "J" and a cursive script.

Jeanne Jarrett, CPA
Director
February 2, 2000